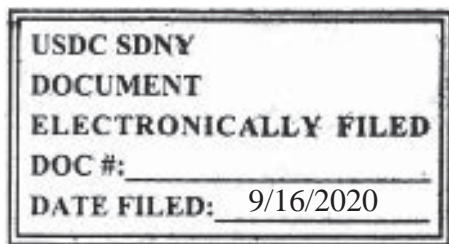




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September 11, 2020

**By Electronic Case Filing**

The Honorable Alison J. Nathan  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2102  
New York, NY 10007

Re: Lardo v. Building Service 32BJ Pension Fund, Case No. 20-cv-5047 (S.D.N.Y.)

Dear Judge Nathan:

We represent Defendants Building Service 32BJ Pension Fund; Trustees Of The Building Service 32BJ Pension Fund, as Plan Administrator; and Trustees Hector Figueroa, Larry Engelstein, Kevin Doyle, Kyle Bragg, Howard I. Rothschild, Charles C. Dorego, John C. Santora, and Fred Ward (collectively, “Defendants”) in the above-referenced action.

We write, together with Plaintiff Michael Lardo (“Plaintiff”), pursuant to Rule 1.D of your Honor’s Individual Practices, to: (i) request the Court’s approval of a briefing schedule for Defendants’ forthcoming motion to dismiss and/or summary judgment; and (ii) request an adjournment of the Rule 16(c) Initial Pretrial Conference scheduled for October 2, 2020 at 3:15 p.m., and the corresponding September 25, 2020 deadline to submit a case management plan and joint status letter.

Plaintiff filed his Complaint on July 1, 2020. In his Complaint, Plaintiff asserts two claims under the Employee Retirement Income Security Act of 1974 (“ERISA”), seeking a disability pension benefit from Defendant Building Service 32BJ Pension Fund. Defendants’ Counsel agreed to accept service of the Complaint, and Defendants’ time to respond to the Complaint is October 13, 2020. Defendants have informed Plaintiff that they intend to seek dismissal of the Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and/or 56, and the Parties have agreed, subject to the Court’s approval, to the following briefing schedule:



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- Defendants' Motion Papers: October 13, 2020
- Plaintiff's Opposition Papers (or Amended Complaint pursuant to Section 3(F) of the Court's Individual Practices in Civil Cases): November 24, 2020
- Defendants' Reply Papers (or Answer/or New Motion to Dismiss/or Letter pursuant to Section 3(F) of the Court's Individual Practices in Civil Cases): December 22, 2020

The Parties also have agreed, subject to the Court's approval, to stay all discovery pending the outcome of Defendants' forthcoming motion. As such, the Parties request that the Court adjourn the Rule 16(c) Initial Pretrial Conference scheduled for October 2, 2020 and the corresponding September 25, 2020 deadline to submit a case management plan and joint status letter to a time, if necessary, after Defendants' motion is decided.

SO ORDERED.

We thank the Court for its consideration of this request.

  
9/15/2020

Respectfully,



Russell L. Hirschhorn

cc William Frumkin, Esq.  
Elizabeth Hunter, Esq.